G. R. S. 58

Previous references.

~~26~~ 26-06-1-7

1909

(Prison

File No. ~~2~~ -09

Serial Nos. 1307

H.H.464

281/136.

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. 1307.

Part B. for January 1910.

SUBJECT.

Wrongful detention of two prisoners Rutiga & Bhima 1756 & 1757 in the Bangalore central Jail.

Letter from the Inspector General of Prisons No 1264/1407 dated 27-8-09

Brings to the notice of Government the case of wrongful detention of the above two prisoners due to the non intimation by the Jail authorities by the Magistrate's court, of the recovery of the fine imposed upon them by the said court.

To the District Magistrate Tumkur No 3946 dated 24-9-09 calls for the explanation of the magistrate concerned and the Head clerk of the court for the omission to intimate the fact of the recovery of fine, to the Supdt Bangalore Central Jail.

From the District Magistrate Tumkur No 2768 dated 18-10-09

Forwards the explanations called for & states that the attention of all magistrates in the District to the desirability of their paying personal attention to matters of this kind.

1. To the District Magte, Tumkur; the Dt. magtes of other Dts
Registrar chief Court, D. G. of Prisons & the Rev Comr

No. J 1932-428, 19-1-10

Records. the explanation given by Mr. C. Venkata Rao BA I class magistrate with the observatio that the Govt views with displeasure the inattention of the magistrate to one of his mo important duties and directs that the Headcler of the Magistrate's office S. K. Venkataramana Iyer be fined a month's salary for his negligence; also observes that mistakes of th nature of the one under orders will be inevitab unless the chellan to the Treasury and intimation to the jail authorities are sig simultaneously

G.R.S.11]

1909.

GENERAL AND REVENUE SECRETARIAT

(Prisons)

NOTES.

File No. 20-09

FILE HEADING.

Over detention of prisoners Ranga & Bheema Nos 1256 & 1257 in the Bangalore Central Jail.

From

The Inspector General of Prisons

No. 1264/1440 Dated 27.8.09 Received 28.8.09

Diary No. 9551 Enclos. 1 file Spare Copies – Serial No. 1

BRIEF ABSTRACT OF LETTER.

Brings to the notice of Government the case of over-detention of the above two prisoners, due to the non-intimation to the jail authorities, by the Magistrate's Court, of the recovery of the fine imposed upon them by the said Court.

NOTES AND ORDERS.

1 Prisoners Ranga & Bheema of the Bangalore Central Jail were each sentenced to suffer imprisonment for a term of one year & pay a fine of Rs 50/- each and in

NOTES—First sheet

GPB—30,000—3-4-07.

Serial No.

default to undergo a further period of 3 months imprisonment, by the Treasury Asst. Commr. and the Chief Clerk might remember.

2 The fine was paid to the Court in April last but the recovery of the same was not intimated to the jail authorities, and it was only on the 13th June that the Supdt., Central Jail, learnt that the fine had been paid. There was then a delay of 11 days in the discharge of the convict from the jail.

3 The Hon'ble Venkata Rao, Asst. Commr., Nagpur, states that it is not possible for him now to submit the explanation of the Head Clerk of the Treasury Asst. Commr. Nagpur's Court, as to the cause for the non-intimation of the recovery of the fine to the jail authorities, as the Clerk has left the place on leave for. Neither the name of the Clerk, nor the

Serial No.

place and appointment to which he has been transferred is mentioned.

4 Submitted for orders with Court file 26-06 861-7 in which orders of Govt. were passed in a similar case. (A copy of the Criminal Digest is also put up for reference). Under Rule

C.S. 30/8. 5) Under Rules of Practice Nos 12 + 23 of 8.5.79 + 10-8-81 respectively, the Head ~~Asst~~ clerk of the Magistrate's Court is ~~responsible for the~~ bound to intimate to the Jailor concerned the recovery of fines from accused persons. The papers do not throw light as to who the Head clerk is.

SW 31/8/89 6) The omission on the part of the Treasury Assistant-Commr's Office is a most serious one and calls for severe notice - seeing that two men were detained illegally for 11 days

~~The Treasury Assist~~ 7) This not quite clear who was in charge of the Treasury Assistant Commissioner's Office when the mistake occurred. Nor is the name of the Head clerk - who is primarily responsible for the omission - disclosed

Serial No.

His Explanation has not been submitted on the ground that he has been transferred". Certainly it could not have been impossible to obtain it if the District authorities had only been Earnest in the matter

5) The District Magistrate may now be requested to ~~order an enquiry into~~ obtain the Explanation of the Officer in charge of the ~~Treasury~~ ~~Assistant Commr's office~~ Magistrate's office and of the Head clerk for the omission and Submit the Same to Govt for orders.

(Note - The Rules of Practice on the Subject Say that the clerk omitting to give Such notice Shall be liable to dismissal").

9/9/09.

Secy 9/ × Govt please - Submit draft to 2d N. before issue -

9/9/09

Govt

1909

Draft Submitted

C.B. 15/9/09

2nd Secy 19/9/09.

Draft approved by 2nd N. 20/9/09

20/9/09

Note—Contn. sheet

GPD—50,000—13-5-08

G. R. S. 12]
General and Revenue Secretariat.

Pris File No. 20 of 1909

Serial No.	
2	To the Dt Magte of Tumkur. No J946 dt 24-9-09 Calls for the explanation of the Magistrate Concerned and the Head clerk of the Court for the omission to intimate the fact of the recovery of the fine to the Superintendent of the Central Jail.
3	From the same - No 276 dt 18-10-09. Forwards the explanation received from Rao. C. Venkata Rao, Assistant Court and 1st class Magistrate of Tumkur and of the Head clerk of the Magte's Court, and states that he will draw the attention of all Magistrates in the Dt to the desirability of their paying their personal attention to matters of this kind.
1	The Head clerk says that he was ignorant of the standing Rules and orders on the subject, he being new to the Dept. But it appears from his explanation that the fact of the recovery of the fine was brought to the notice of the Magistrate, Rao. C. Venkata Rao, and that the Chalan for remitting the money to the Try was signed by the latter. The Magistrate admits this as

Vide

Serial No.

is the fact that the Head clerk was new to the work and he sincerely deplores his own inattention to the matter; he further states that as he was engaged in famine and other measures duties he was not able to devote that amount of attention in supervising the work of the office as he ought to have done. If the fact of the recovery of the fine was really brought to the notice of the Magistrate or if the Magte did notice it when he signed the challan then the duty of intimating the fact to the jail authorities devolves upon the Magte (vide circular d. 84). On the other hand if the clerk failed to bring the matter to the Magte's notice he is liable to be dismissed the service. It may however be observed that the Magte has not taken objection to the clerk's statement that the matter was brought to the former's notice.

Subd for orders with draft recording the explanation and calling the attention of all Sr Magte to the desirability of Magte paying personal attention to matters of this kind.

20/10/09 SN 20/10/09 13 Please keep fair copy 9/11/09

GPB—50,000—13-5-08

a But this does not mean that the clerk had no further responsibility in the matter. It was his duty to have reminded the Magte about the further action to be taken.

2.

G. R. S. 12j
General and Revenue Secretariat.

Mis File No. 21 of 1909

Serial No.

16 Fair Copy of the revised draft is put up.

CR CR 10/11

14/11/09 SH

The original withdrawn) 15/11

Secy. 15 May be approved

15-11-09

SH 16/11/09

219 17.11.09

16 May be approved -

3291/1600 18.11.09

17/11/09

17 Issue

CIR 29.12.09

SH 29/12/09

16 Rec 12/2/10

4 To the Dt Magte, Tenkasi: Dt Magte of Other DS, Hy Chief Court, I.G: Trichy & the Rev Comr.

J. 1932-42 & 19-1-10.

Records the explanation given by Mr. C. Venkata Rao, 1st class Magte, with the observation that the first view with displeasure the inattention of the magistrate to one of the most important of his duties and directs that the Hd clerk of the Magte's office, S. K. Venkatanarayana Iyengar, be fined a month's

(Financial Secn) Please note the Censure conveyed to Mr. C. Venkata Rao, in the last para in the instr Regarding Recovery of the fine SH 11/2/10

noted & returned 12/2/10.

NOTE—Contn. sheet.

GPB—50,000—13-5 08

Serial No.

Months salary for his negligence; also observes that mistakes after return of the are under orders would be inevitable unless the Challan to the Treasury and the intimation to the Jail authorities are signed simultaneously.

No. 1264 Office of the Inspr. Genl. of Prisons in Mysore,
1st of Enc: 1/file. Dated Bangalore, 27th August 1909.

1351

Pris 20 of 09.
8 2 20

From

Lt.-Colonel J.Smyth M.D., I.M.S.,
Inspector-General of Prisons in Mysore.

To

K.S.Chandrasekhara Aiyar Esqr., B.A., B.L.,
Secretary to the Government of His Highness
the Maharaja of Mysore, Genl. & Rev. Deptts.

Sir,

I have the honor to bring to the notice of Government an instance in which two prisoners confined in the Central Jail at Bangalore had to be detained for 10 days beyond the authorized period owing to the delay on the part of the Court authorities to send to the Jail timely intimation of the recovery of fines imposed on them.

2. The prisoners concerned were Ranga and Bheema 1757 respectively of that Jail. Each of them had been convicted and sentenced to undergo one year's rigorous imprisonment and also to pay a fine of Rs.50/- in default to undergo a further period of 3 months rigorous imprisonment by the Treasury Assistant Commissioner and 1st Class Magistrate of Tumkur District on 29th June 1908 in criminal case No.62 of 1907-08 on the file of his Court. Their substantive sentences expired on 2nd June 1909 by virtue of remission earned by them under the Mark Rules in force.

3. From the enquiries made by the Superintendent, it will be seen that the fines imposed on these two prisoners were paid so far back as April 1909 and yet it was on the 12th June 1909 and that after the Superintendent who got a clue to it from a different source wrote to him, the Magistrate intimated the recovery of fines.

4. I forward herewith, for such action as Government may deem

fit

1909

From

The Inspr. Genl. of Prisons
in Mysore.

To

The Secy. to Govt.
Genl. & Rev. Dept.

Dated 27th August 1909.

Despatched

Received

General No. 1264

No. 14-07

Enclosure No. 1 file.

Brings to the notice of Go
an instance in which 2 priso
by name Ranga & Bheema con
fined in the B. C. Jail had t
be detained for 10 days beyon
the authorized period.

fit to take in the matter, a copy of the Superintendent's letter No.666/F.41 dated the 19th instant together with enclosures reporting in detail the facts of the case. I have to add that if it had not been for the manner in which that officer kept up the enquiry there is no saying how long the detention would have lasted.

I have the honor to be,

Sir,

Your most obedient servant,

For Inspector-General of Prisons.

T.C.G.

Letter No.666/F.41 dated the 19th August 1909 from P.S. Achyuta Rao Esqr., Superintendent, Central Jail, Bangalore; to Lt.-Colonel J.Smyth M.D., I.M.S., Inspector-General of Prisons in Mysore.

I have the honor to bring to your notice an instance in which there has been delay on the part of the Court authorities in giving timely intimation to the Jail of the recovery of fine of certain prisoners undergoing imprisonment in this Jail.

The facts are as follow :-

1. Two prisoners by name Ranga No.1756 and Bheema No. 1757 were each convicted and sentenced to one year's rigorous imprisonment and a fine of Rs.50/- or to a further period of 3 months rigorous imprisonment by the Treasury Assistant Commissioner and 1st Class Magistrate of Tumkur District on 29th June 1908 and were admitted into this Jail on 2nd July 1908.
2. The Mark Rules in force entitled them for release on the 2nd June 1909.
3. On the 18th May 1909 prisoner Ranga No.1756 sought my permission to write a letter to one Thimma to pay up his fine and permission was duly granted.
4. This (the prisoner's letter) was as usual sent to the addressee (Thimma) through the Amildar of Tumkur Taluk with this office Canarese yadi No.266/K dated 18th May 1909.
5. The Amildar's reply to the above reference was received in this office on the morning of the 8th June 1909 forwarding for my information the report of the Tumkur Taluk Police Officer No.3232 dated 2nd June 1909 to the effect (1) that the prisoners letter was delivered to the party concerned and his signature taken therefor and (2) that the fine had already been remitted to the Court.

6. On this I made a reference to the said Treasury Assistant Commissioner Magistrate on 9th June 1909 in my docket No.457/F.15 requesting him to inform me whether the fines imposed upon these two prisoners were recovered and if so to let me know the date on which the fines were so recovered. As no reply was received to this reference I sent a subsequent reminder on the 12th June 1909 (vide this office No.462/F.15 dated 12th June 1909).

7. I got the Magistrate's reply on the morning of the 13th June 1909 from which I learn that the fines of both the prisoners were paid so long ago as April 1909.

8. I released the prisoners immediately I received the Magistrate's reply on the 13th morning.

9. Then I wrote to the Magistrate on 16th June 1909 asking him to let me know whether there were any special circumstances under which intimation was not given to the Jail in due time (vide this office No.470/F.15 dated 16th June 1909). The Magistrate's attention was drawn to this reference in my Nos. 492/F.15 and 624/F.15 dated 28th June 1909 and 6th August 1909 respectively.

10. I got the Magistrate's reply to my above references on 10th August 1909 stating that no such communications were received by him and requesting me to furnish him with copies of the same.On the 11th August 1909 copies were accordingly sent to him (Magistrate) under a registered cover.

11. I received the Magistrate's reply to my last reference on 17th August 1909 to the effect that the Head Clerk who was then in charge of the Criminal work failed to bring the fact of the recovery of the fines in question to the notice of the Magistrate and that it is not possible for him to obtain

now

now the Clerk's explanation in the matter as he (the Clerk) has left the station on transfer.

12. This delay on the part of the Magistrate caused unnecessary and illegal detention of the prisoners in the Jail for 11 days.

13. Under these circumstances I request you to kindly move the Hon'ble the Chief Court of Mysore to invite the attention of all Magistrates in the State to Rule of practice No.12 dated 8th May 1879 and to instruct them to strictly adhere in future to the condition laid down therein.

14. I forward herewith copies of entire correspondence on the subject for such action as you may deem proper to take in the matter.

"C O P Y"

For Inspector-General of Prisons.

T.C.G.

1909

From S. Venkat Rao Esqr
1st class Magistrate
Tumkur Sub Divn

To

P. S. Achyuta Rao Esq
Superintendent
Central Jail
Bangalore

Dated 15th
Despatched —do— } August 1909

Received

General No. Camp
No. A

Enclosure No.

His dockets nos: 624
dated 6th Aug 09 and 636d
11th Aug 1909.

Has the honour t
State that the Treasu
assistant Commission
ceased to be a 1st class Mag
on the 19th January, owin
to the posting of a Probation
Assistant Commissione
to the Treasury charge.

The Assistant Comm
in charge of the Temporary
sub division composed of
the Tumkur and Tumkur
Taluks exercised

Crim

GPB—2,00,000—12-4-09

Criminal Jurisdiction over these two ?
Three temporary officials were entertaine
the month of March 09. The Head clerk who was
incharge of the criminal work of the Court being
new to the Department and to his work, appears
to have received the amount sent by the police
in april 09 and credited the same into the Treasury
He appears to have failed to send for the criminal
records from the Court of the Treasury Asst Commr
and to find out what other procedure should
be followed after crediting the amount. He
has also failed to bring the matter to the notice
of the undersigned or to the Treasury Asst Commr
As the official referred to, has since left the
Station on transfer it is not possible to obtain
his explanation in the matter.

(Sd) G. Venkat Rao
1st class magistrate

Copy

C. V. Achy Naidu
Superintendent
B C. Jail

1909 8

To

The Treasury Asst Commr
& 1st class Magistrate
Tuticorin

11th August 1909

No 636/7·15 Encl

As requested in his
no G. 13 dated 9th Aug 09,
has the honour to forward
herewith copies of this
office Nos 470 and 492 dated
16th and 28th June 1909
respectively and to request
a very early reply thereto
as the correspondence
on the subject is pending
disposal for a very long
time.

(Sd) P. S. Achyuta Rao
Superintendent
Dt. C. Jail

Copy.

C. V. Ciriz Asst
Superintendent
Dt. C. Jail

From

The Assistant Commr
& 1st class Magistrat
Tumkur

To

The Superintendent
Central Jail
Bangalore

Dated
Despatched } 9th Aug 1909
Received

General No. G. To no 13
No.

Enclosure No.

Has the honour to stat
that no references
nos 470 and 492 dated
16th and 28th June 1909
have been received in
this office as mentioned
in his docket and no
particulars of the subject
matter have been mentioned
in the present docket to
enable the undersigned
to furnish at once the
particulars asked for.
It is therefore requested
that copies of the dockets
quoted above may be kindly
forwarded for reference

(Sd) C. Venkat
1st class Mag

"copy"

GPB—2,00,000—12-4-07.

Superintendent
B. C. Jail

2nd Reminder Very Ur

20. From, The Superintendent
C. Jail

The Treasury Assist
Commissioner
1st class Magi
Tuniki

6th August 1909.

No 624
7.15

Has the honour to r
the favour of his imm
attention to this offi
dated 16th June 09. an
sequent Reminder
No 492 dated 28th i
7.15
to request an early
thereto, as the corres
on the subject is pe
disposal for a very l
2. A reply per re
post is requested.
3. In case of the
of the reply in this o
early, the matter w
to be brought to the
of the higher author

(Sd) P. S. Ach
Superin
for

"Copy"
C. J. Assistant

Superintendent
C. C Jail

Very Urgent

1909 11

From

The Superintendent
Central gaol
Bangalore

To

The Treasury Asst. Comm
& 1st class Magistra
Tumkur

Dated 28
Despatched 29 June 1909

Received

General No. 492
No. 715

Enclosure No.

Has the honour to invit
the favour of his attentio
to this office No. 470 date
16th Inst. and to requ
an early reply thereto
as the correspondence
on the subject is pendi
disposal for a very lon
time.

(Sd) P.S. Adiyatakay
Superintende
B.C. Gaol

"Copy"
C.V. Adiyatakaya
Superintendent
B.C. Jail

GPB—2,00,000—12-4-09

1909 12

From The Superintendent
Central gaol
Bangalore

To The Treasury Assistant
Commissioner and
1st class Magistrate
Tumkur Dist

Dated 16-6-1909

Despatched

Received

General No. 470
No. 7.15

Enclosure No.

Adverting to his
no 9.11 dated 12th June 09,
has the honour to request
to be kindly informed if
there were any special
circumstances necessitating
non intimation till special
Reference was made from
this office on 9th June 1909
of the recovery of fines in
the month of April 1909
in Criminal case no 62 of
07-08 on the file of his Court.

(Sd) P.S. Achyutha Rao
Superintendent
B.C. Jail

'Copy'
C.V. [illegible]

GPB—2,00,000—12-4-09

Superintendent
B.C. Jail

1908-09 13

From The Asst Commissioner and 1st class Magistrate Tumkur Sub Div Tumkur

To The Superintendent Central Jail Bangalore

Dated 7 & 12-6-09

Despatched

Received

General No. J. 11

No.

Enclosure No.

In reply to his docket No. 457/715 dated 9th June 09 has the honour to state that each of the 2nd & the 3rd accused Rungaa and Bhim in the criminal case no 62 of 07-08 on the file of this Court paid the fine of Rs 50/- on 10-4-09 and 7-4-09 respectively.

(Sd) Z. V. Krishna Murthy
2nd 1st class Magistrate

"Copy"

C. V. Lakshminarasaiah
Superintendent
C. Jail

GPB—2,00,000—12-4-09

14

1909

From The Superintendent
B. C. Jail

To The Treasury CSSH (Court
+ 1 for Class mate Dum Dum

Dated 12th January 09

Despatched

Received

General No. 462
No. 7. 15

Enclosure No.

Has the honor to invite
the favour of his immediate
attention to this office
No: 457/7. 15 dated 9th January
and to request to be
kindly informed per
return of post whether
the amounts of fines
imposed on prisoners
No: 1756 Nanga & 1757 Bhoora
2nd & 3d accused in
Criminal case No: 62 of
07-08 on the file of his
Court have been realized
and if so when?

GPB—2,00,000—12-1-09

15

the favour of a very early reply
is requested

(Signed) P. S. Achyuta Rao
Superintendent
Dist. Jail

Copy"

P. S. Achyutarao

Superintendent
Dist. Jail

Very Urgent

16

1909

From The Superintendent
B. C. Jail

To The Treasury Asstt Commr
& Magistrate Fort Dist

Dated 9th June 09

Despatched

Received

General No. 457

No. 415

Enclosure No.

Has the honor to request to be kindly informed if the fine imposed upon prisoners Ramja and Bheema Nos: 1756 & 1757 respectively of this Jail and 2nd & 3rd accused in criminal Case No: 62 of 1907-08 on the file of this Court have been recovered & if so when?

(signed) P. S. Atchyuta Rao
Superintendent
B. C. Jail

"Copy"

[illegible]
Superintendent
B. C. Jail

GPB—2,00,000—12-4-07

49
BCJ

No 266
K.

ನಂಬರ್.

ಜೈಲ ಸೂಪರಿಟೆಂಡೆಂಟ್‌ಸಾಹೇಬರವರ ಆಫೀಸಿನಿಂದ—

———— :o: ————

ರಬಕವಿ ತಾಲ್ಲೂಕು ಮ್ಯಾಜಿಸ್ಟ್ರೇಟರವರ ಕೋರ್ಟಿಗೆ. ಬಿಳಿಗಲ್ಲಯ್ಯ

ಗಿಂಡ್ಲಿಕೆ ಜೈಲ ಮಜಕೂರಿನಲ್ಲಿ ಸಜಾ ಅನುಭವಿಸುವ 1756 ನೇ

ನಂಬರ ಖೈದಿ ರಂಗ ಯಂಬುವನು ಕಂ

ನಿಗೆ ಬರಕೊಂಡ ಕಾಗದ ಸ್ವೀಕರಿಸಿ ಯಿದರಲ್ಲಿ ಸಂಗಡ ಕಳುಹಿಸಿಯಿದೆ.

ವಿಳಾಸದವರಿಗೆ ಪಾವತಿಯಿಂದ ರಿಜಿಸ್ಟರಿ ಕೊಡಲಿ (ಕಾರ್ಯವಹಿಸಿರುವುದಿಲ್ಲವೆಂದು)

ತಾರೀಖು 18 ನೇ ಮಾಹೆ May ಸನ 1909 ನೇ ಇಸವಿ

"Copy"

(ಸಹಿ) R.S. Nagarkar

ಚೀಫ್ ಜೈಲರ್.

B.C. Jail

To The Superintendent
B.C. Jail

JCJP—16—8—(E)—1000—BD

232

(signed) B Patta Ganapathi —
Police Inspector

"Copy"

Superintendent
C. Jail

G.R.S. 26]

Pris File No. 20

Serial No. 2.

Diary No. of letter replied to J 551

No. J 946
Pris 20-09-2

General and Revenue Secretariat
(Prisons)
, *the* 190 .

To The District Registrar
Tuticorin Dt.

Date of issue 24-9-09

Signed by M.S. Srinivasachya

Sir,

I am directed to bring to your notice that 2 prisoners Ranga No 1756 and Bheema No 1757 of the Bellary Central Jail, who were sentenced to suffer rigorous imprisonment for a term of one year and pay a fine of Rs 50/- each and in default to undergo a further period of imprison

SUBJECT.

-ment for 3 months
by the Treasury Asst.
Commr and 1st
Class Magistrate of
Dum Dum, Dt ~~in~~ on 29th
June 1908 in
Criminal Case no
62 of 07-08 on the
file of that ~~Court~~ Court,
had to be
~~to be over~~ obtained
in the Bongaon Central
Jail for ~~a period of~~
1 days beyond the
authorised period
On account of the failure to intimate
~~non-realisation by the~~
~~Convicting Court~~, of
the recovery of the
fine imposed, to the
Jail authorities,
at the proper time.

I am to request you
to be so good as to
obtain and submit
at a very early date

In this connection I am to invite your attention to Criminal Rules of Practice nos 12 and 23 dated 8th Dec 1879 and 10th Aug 1881 respectively, printed on page 34 of the Criminal Digest and

List of enclosures.

M.C.P.B.—30,000—16-2-05

G.R.S. 27]

GENERAL AND REVENUE SECRETARIAT.

(*Continuation Sheet draft form.*)

At the time of the recovery of the fine

the explanation of the officer in charge of the said magistrate's office, and that of the Head-Clerk of the Court for this most serious omission.

I have &c

Secretary.

Hy
20/9/19

C.B.S.N
15/9

J 1024 1

22

Office of the District Magistrate

Tumkur District

Dated the 17th October 1909.

Pris 20—09—3

From

K.Doraswami Iyer Esqr.,

District Magistrate

Tumkur District.

To

K.S.Chandrasekhara Aiyar Esqr., B.A.B.L.,

Secretary to the Government of

H. H. the Maharaja of Mysore,

General & Revenue Departments,

B A N G A L O R E .

Sir

In answer to your No.J 946/Pris.20-09-2 dated the 24th September 1909 I have the honour to forward herewith Assistant Commissioner Mr.C.Venkata Rao's letter No.51 dated the 9th October 1909 and his late Head Clerk's explanation in regard to the omission to communicate to the Superintendent, Central Jail, the recovery of the fine that was owing by the two prisoners, Bhima and Ranga, whereby the men sufferred 11 days more imprisonment. It is noticed that they had been awarded each a year's rigorous imprisonment plus fine and that they were released 15 days before the expiry of the substantial term of imprisonment and that they would have got out earlier had it not been for the unfortunate omission above alluded to.

It will be observed that Mr.Venkata Rao recognises that he ought to have given his personal attention to his Court routine when the clerk in charge was new to the work and has expressed his regret that the unfortunate men should not have benifited to the fullest by the remission that they earned in the Jail.

I am drawing the attention of all magistrates in the District

to

to the extreme desirability of giving their personal attention to matters of this kind and hope that such errors will not occur in future.

I have the honour to be

Sir

Your most obedient servant

District Magistrate.

From Mr. C. Venkata Rao
Tumkur Sub Division
I Class magistrate
Tumkur

To.
K. Narasimha Ayya Esq.
District magistrate
Tumkur.

Dated 9th/10 October 1909.
No. 51/17th

Sir, With reference to my memo
Secretariat's letter No. P 946 dated
Fin 20-09-2
the 24th September 1909 received
with your docket-No. G 203 dated
the 27th ult. and requiring me to explain

re intimating the receiving of the fine from Convicts Bhima & Ranga & the jail Superintendent, I have the honor to state as follows:—

Bhima & Ranga were sentenced by me K. Srikantaiah Treasury Asst. Comr. & I Class magistrate, to suffer rigorous imprisonments for one year and to pay a fine of Rs 50/. each in default to suffer further imprisonment for 3 months, on the 29th June 1908, and warrants were issued by his successor me M. Srinivasa Murthy on the 21st Sept 1908, for detaining the property of the prisoners. But the Jail Police Inspector reported to the Treasury Asst Comr. in his reports Nos 2630 & 2652 dated 3rd & 8th

April 1909 respectively that the fine
of Rs 50/- had been recovered from
each of his prisoners through their
relatives. These reports were received
in my office on the 7th & 10th idem
respectively as I had criminal
jurisdiction over the Taluk
Cases of the Tumkur & Kunigal Taluk
A new establishments having been
sanctioned for the temporary Revenue
a Head clerk & 2 assistant clerks
had been entertained for the increase
of work. In distributing the work
of the office, I had put the newly
appointed Head Clerk Venkataramana
yya in charge of the magisterial work
& the things new to the work, appear
to have created the amount of

returned through the Inspectors
to the Treasury immediately & only
upon the fact that the matter should
be intimated to the gaol Superintendent.

I very much regret this omission
though I might have exercised
better supervision over the work of
a new hand, owing to pressure of
work connected with the Famine
Campaign & other onerous duties
devolving on me as a personal
Assistant to the Deputy Commissioner
I endeavoured exercise that amount
of supervision which I might to
have done.

I am extremely sorry for
the two unfortunate prisoners
named above, who were detained
for 11 days more. They were released

released 16 days before time, more
the warrant of imprisonment, but
they would have been released earlier
by a remission of another 11 days
under the Jail rules. As the omission
was purely accidental & one of
inadvertance, which I sincerely
deplore, I beg that it may be
kindly overlooked.

The Cash Head Clerk's explanation
is also submitted herewith, along
with the papers bearing on the subject.

I have the honor to be,

Sir,

Your most obedient Servant

A. Venkatachary.

First class magistrate.

Explanation of S K. Venkatanarasiyangar late Head clerk Tumkur Sub Division Assistant Commissioner's Office

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To.

The Assistant Commissioner and 1st class Magistrate, Tumkur Sub-Division

Tumkur

Respected Sir,

In obedience to your honor's order no: 46/8 dated 5th October 1909, I beg to state that I was in the Education department as a School master before I joined the Revenue Department I joined my new appointment in the Revenue line as the Head clerk of your honor's office on the 17th March 1909. A few days after my joining the post (ie) on the 6th or 7th April 1909 Some Police Special brought to me Rs 80/- the Amount of fine recovered from the Prisoner Bhima. The Police Inspector's no 263/2 dated 3/6-4-09 was brought to your honor's kind notice So far my poor memory goes. The Challan for remitting the amount to the District Treasury was Signed by your honor and the amount of fine was also

also remitted. I got your initials on the Cash book and the fine register.

As I was quite new to the department I was not aware of the existence of the rule that the fact of recovery of fines from the prisoners Should be Communicated to the Superintendent of Bangalore Central Jail. But on receipt of the docket no 457/J 15 dated 9th June 1909 from the Superintendent of Central Jail on the 10th June 1909 a reply was given to the effect that the fines Were recovered from the prisoners referred to in the docket on the 9th and 10th April 1909. So my failure to intimate the recovery of fines at an earlier date is due to my ignorance of the rule And want of Experience in the Department I am working in. I therefore respectfully Solicit the Special favour of your Honor's Kindly Getting me graciously pardoned for Which act of Kindness I every pray

Yours

I beg to remain
Respected Sir
Your honor's most ob
(Sd) S. K. Venkatanarasimhachar

G.R.S. 28]

3.

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Pris

File No. 20-09

Serial No. 4

Diary No. of letter replied to

Proceedings of the Government of His Highness the Maharaja of Mysore.

GENERAL AND REVENUE SECRETARIAT.
(Pris)

, *the* 190

Date of issue 19th Jan 1910

Signed by Mr S Hiriyannaiya

READ—

(1) Letter No. 1264/14-07 dated 27-8-09 from the Inspector General of Prisons in Mysore, bringing to the notice of Govt a case in which two Convicts of the Central Jail, Bangalore, — Ranga and Bheem were detained in the Jail for 11 Days beyond the authorized period owing to the failure of the Magistrate concerned to intimate to the Supt of the Central Jail the fact of the recovery of the fine imposed on the Convicts.

(2) Correspondence

ORDER PASSED. No.

SUBJECT

Forwarding with letter No 276 of
7-10-1909 from the Dt Magistrate
of Tumkur forwarding the
explanations of the Magistrate,
viz. Mr. C. Venkata Rao, Asst
Comr and 1st class Magistrate
Tumkur Division, and of the
Head clerk of the Magistrates'
Court, S. K. Venkatanarayanayya,
who were responsible for the
mission.

Order thereon — No J 1932-42. / Poss 20-9-4 dt 19th Jan 1910.

Two men Ranga and Bheema
were convicted by the Trying
Assistant Comr and 1st class
Magistrate of Tumkur on
the 29th June 1908 in Criminal
case No 62 of 1907-08 on the file
of this Court, and each of them
was sentenced to undergo
one years rigorous imprison-
ment and to pay a fine
of Rs 50, in default to undergo

G.R.S. 27]

GENERAL AND REVENUE SECRETARIAT.

(*Continuation Sheet draft form.*)

a further period of three months' rigorous imprisonment. Their substantive sentences expired on the 2nd June 1907 by virtue of Remissions earned by them under the Mark Rules and they were entitled to release from the Jail on that date as their relatives had paid to the Court, in April 1908, the fine imposed on them. This fact not having been Communicated to the Superintendent of the Central Jail, the prisoners had to be detained there beyond the authorized period and it was only when the Latter Sept. the said Officer, acting on information received from other sources, made a reference in the matter to the Magistrate, that the fact of payment of the fine was ~~duly~~ Communicated to the Jail authorities. The Convicts were released on the 13th June or 11 days after the due date.

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2. Under Rules of practice

Nos 12 and 23 of 8-5-1879 and
6-8-1881 respectively the Head
Clerk of the Magistrate' Court
was bound to report to the
Magistrate concerned the fact
of the recovery of the fines. ~~It~~ It is
~~will be seen from~~ stated in the Head
Clerk's statement of explanation that
this fact ~~of the recovery of the fines~~
~~was not brought~~ was brought to the notice of
the Magistrate and the
Challan for remitting the
money to the Treasury was
signed by him. The Magistrate could
~~should therefore~~ well have ~~caused~~ instructed the
the fact ~~to be~~ of payment of fines should be Head Clerk
~~to~~ intimated that
immediately to the
Superintendent of the Central
jail. ~~Had~~ He failed to do This which he
~~and he does explains that~~ attributes to
~~doing to~~ the pressure of work
connected with the dishes
and his duties as personal
Assistant to the Deputy Court
he was not able to bestow
that personal attention to
the matter which is important
required. Govt cannot
accept such an explanation
and are ~~constrained~~ sorry to have to
record their displeasure
at the inattention of the

GENERAL AND REVENUE SECRETARIAT.

(*Continuation Sheet draft form.*)

Such mistakes may be reasonably pardonable under the Challan & the hearing of the Magistrate & the Jail authorities have made the signed bail bonds carelessly -

by a man who had passed an examination in the Criminal Code if not also the

If he has passed the Criminal Codes he would merit a severer punishment -

the Asst. Comr and 1st Class Magistrate (Mr C. Venkatadas) to one of his most important duties.

3. The conduct of the Head clerk Venkatanarayanayya who is primarily responsible for the omission to place before the Magistrate the necessary papers in connection to the Jail authorities. The explanation offered in mitigation of his conduct, viz, that he was new to the work, cannot be accepted. It was the duty of the District Magistrate to see that the responsible Office of Head clerk of the Magistrate's Court was held by an experienced Competent Official. Govt direct that Head clerk S. K. Venkatanarayanayya be fined one months' salary for his omission.

4. Govt take this opportunity to draw the attention of all Magistrates to Rules of practice Nos 12 and 23 of 8-5-1879 and

and 10-8-1981 respectively and to the necessity - of all Magistrates paying personal attention to important matters like the one under ~~reference~~ consideration.

15/11/09
Secy to Govt

may this be printed?
yes yes

SW 10/11/09

Sd

Sd

The D.C. Yamuna Nagar
Dt Magistrate Karnal
Dt Magistrate Gohana DS
Registrar, Chief Court
Rev Court (for information).

17/11/09 25 days

Encl

Dist Regd 20/11/09 10-11-09
Respect

Proceedings of the Government of His Highness the Maharaja of Mysore, (Prisons), Judicial and Legislative, dated 19th January 1910.

READ—

1. Letter No. 1264—14-07, dated 27th August 1909, from the Inspector-General of Prisons in Mysore, bringing to the notice of Government a case in which two convicts of the Central Jail, Bangalore, Ranga and Bheema, were detained in the Jail for eleven days beyond the authorised period, owing to the failure of the Magistrate concerned to intimate to the Superintendent of the Central Jail the fact of the recovery of the fine imposed on the convicts.

2. Correspondence ending with letter No. 276, dated 17th October 1909, from the District Magistrate of Tumkur, forwarding the explanation of the Magistrate, *viz.*, Mr. C. Venkata Rao, Assistant Commissioner and 1st Class Magistrate, Tumkur Division, and of the head clerk of the Magistrate's Court, S. K. Venkatanarayana Iyer, who were responsible for the omission.

No. J. 1932-42—PRIS. 20-09-4, DATED BANGALORE, 19TH JANUARY 1910.

ORDER THEREON.—Two men Ranga and Bheema were convicted by the Treasury Assistant Commissioner and 1st Class Magistrate of Tumkur on the 29th June 1908 in Criminal Case No. 62 of 1907-08 on the file of his Court, and each of them was sentenced to undergo one year's rigorous imprisonment and to pay a fine of Rs. 50, in default to undergo a further period of three months' rigorous imprisonment. Their substantive sentences expired on the 2nd June 1909 by virtue of remissions earned by them under the Mark rules and they were entitled to release from the Jail on that date as their relatives had paid to the Court, in April 1908, the fines imposed on them. This fact not having been communicated to the Superintendent of the Central Jail, the prisoners had to be detained there beyond the authorised period, and it was only when the Superintendent of the Jail, acting on information received from other sources, made a reference in the matter to the Magistrate, that the fact of payment of the fine was communicated to the Jail authorities. The convicts were released on the 13th June 1909 or eleven days after the due date.

2. Under Rules of Practice Nos. 12 and 23, dated 8th May 1879 and 10th August 1881, respectively, the head clerk of the Magistrate's Court was bound to report to the Magistrate concerned the fact of the recovery of the fines. It is stated in the head clerk's statement of explanation that this fact was brought to the notice of the Magistrate and the *challan* for remitting the money to the Treasury was signed by him. The Magistrate could well have instructed the head clerk that the fact of payment of fine should be intimated immediately to the Superintendent of the Central Jail. But he failed to do this, which he attributes to the pressure of work connected with the distress and his duties as Personal Assistant to the Deputy Commissioner. Government cannot accept such an explanation and are sorry to have to record their displeasure at the inattention of the Assistant Commissioner and 1st Class Magistrate (Mr. C. Venkata Rao) to one of his most important duties. Such mistakes would be inevitable unless the *challan* to the Treasury and the intimation to the Jail authorities are habitually both signed simultaneously.

3. Notice is also necessary of the conduct of the head clerk, Venkatanarayana Iyer, who was primarily responsible for the omission to place before the Magistrate for his signature the prescribed intimation to the Jail authorities. The explanation offered in mitigation of his conduct, *viz.*, that he was new to the work, cannot be accepted. Government direct that head clerk S. K. Venkatanarayana Iyer be fined one month's salary for his omission. If he has passed the test in the Criminal Codes, he would merit a severer punishment.

Offg. Secy. to Govt., Gen. & Rev. Depts.

To—The District Magistrate of Tumkur.
The District Magistrates of other Districts.
The Inspector-General of Prisons in Mysore.
The Registrar, Chief Court of Mysore,
The Revenue Commissioner in Mysore.

Exd.—C. V.

1909-10

GOVERNMENT OF HIS HIGHNESS
THE MAHARAJA OF MYSORE

JUDICIAL AND LEGISLATIVE
(PRISONS)

PROCEEDINGS

Dated 19th January 1910

No. J. 1932-42
Pris. 20-09-4

Making observations on the conduct of Mr. C. Venkata Rao, Assistant Commissioner and 1st Class Magistrate, Tumkur Division, and of the head clerk of the Magistrate's Court, S. K. Venkatanarayana Iyer, who were responsible for the retention in Jail of two prisoners beyond the authorised period.